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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 KELI P. MAY, SHARON SOUSA, and  
15 THOMAS BODOVINAC, Individually and  
16 on behalf of others similarly situated,

16 Plaintiffs,

17 vs.

18 WYNN LAS VEGAS, LLC, and "JOHN  
19 DOE CORPORATIONS" 1 to 50, name  
20 fictitious, actual name and number  
21 unknown,

21 Defendant.

CASE NO.: 2:15-cv-02142-RFB-CWH

**STIPULATION AND REQUEST TO  
STAY PROCEEDINGS PENDING THE  
PARTIES' MEDIATION EFFORTS**

**(Fifth Request)**

22 **STIPULATION AND REQUEST TO STAY PROCEEDINGS**  
23 **PENDING THE PARTIES' MEDIATION EFFORTS**

24 The parties, by and through their respective counsel of record, stipulate and  
25 request that the Court stay all proceedings in this matter for ninety (90) days up to and  
26 including October 12, 2018, to allow the parties an opportunity to further engage in  
27 settlement discussions.

1           1.       This is the fifth request to stay the proceedings. The first request to stay  
2 proceedings was filed on March 17, 2016 (Docket No. 24). At that point, two motions  
3 were pending with the Court: Plaintiffs' Motion for Circulation of Notice of the  
4 Pendency of this Action Pursuant to 28 U.S.C. 26(b) (ECF No. 9), and Defendant's  
5 Motion for Partial Summary Judgment (ECF No. 20). The Court granted the parties'  
6 first request to stay pending resolution of the motions on March 21, 2016 (ECF No.  
7 26).

8           2.       The second request to stay the proceedings was filed October 27, 2016  
9 (ECF No. 61). At that time, Defendant filed its Motion to Certify Question of Law to  
10 the Nevada Supreme Court ("Motion to Certify"). (ECF No. 41). Extensions were  
11 granted by each party for the briefing of that Motion, and the parties recognized that  
12 the scope of discovery would be shaped and guided in part by the resolution of  
13 Defendant's Motion to Certify. Accordingly, the Court granted this second request to  
14 stay pending resolution of Defendant's Motion to Certify on October 31, 2016 (ECF  
15 No. 65).

16           3.       The third request to stay the proceedings was filed on September 15,  
17 2017 (ECF No. 105). On September 1, 2017, prior to the third request and  
18 stipulation, the Court entered a Minute Order denying as moot Defendant's Motion  
19 to Certify due to the then-pending decision by the Nevada Supreme Court on the  
20 issue raised by Wynn's Motion to Certify. Specifically, the *Neville, Jr. v. District*  
21 *Court*, No. 70696 case on the Nevada Supreme Court's docket indicated that this  
22 same issue was argued on July 17, 2017. Because the Court and the parties  
23 anticipated that the Nevada Supreme Court's decision in *Neville* would resolve the  
24 private right of action issue in this case, on October 31, 2017, the Court granted a  
25 stay pending resolution of the *Neville* case (ECF No. 106). The *Neville* case was  
26 decided by the Nevada Supreme Court on December 7, 2017.

1           4.     The fourth request to stay the proceedings was filed on February 27,  
2 2018 (ECF No. 108). The stay was sought to conserve expenditures and resources  
3 of this litigation while the parties engaged in mediation.

4           5.     On June 4, 2018, the parties engaged in mediation. Mediation was  
5 unsuccessful. However, after further negotiations, the parties believe a second  
6 mediation may again conserve resources and save litigation costs and expenses  
7 while the parties engage in mediation. Both sides are of the opinion resolution may  
8 soon be reached.

9           6.     This request to stay the proceedings is not sought for any improper  
10 purpose or other reason of delay. Rather, it is sought only conserve expenditures and  
11 resources of this litigation while the parties engage in further settlement discussions  
12 and/or mediation efforts.

13 ///

Wherefore, the parties respectfully request that the Court stay proceedings in this case for ninety (90) days up to and including October 12, 2018, to allow the parties to further engage in settlement discussions.

IT IS SO STIPULATED.

Dated this 13th day of July 2018.

Dated this 13th day of July 2018.

Respectfully submitted,

Respectfully submitted,

/s/ Christian Gabroy

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IT IS ORDERED that the parties' stipulation is GRANTED in part and DENIED in part. It is granted to the extent that the court will extend the stay, but is denied to the extent the parties request 90 days. The court will extend the stay for 45 days rather than 90 days. The parties must file a joint status report by August 30, 2018.

July 16, 2018

Date

  
UNITED STATES MAGISTRATE JUDGE